

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. P048 082 774

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE**

In Re: Donna Harvey-Porto
P.O. Box 296
Branford, CT 06405

Petition No. 941220-28-002

PRELICENSURE CONSENT ORDER

WHEREAS, Donna Harvey-Porto (hereinafter "respondent") of Hamden, Connecticut has applied for licensure by the Department of Public Health (hereinafter "the Department") to practice as a radiographer pursuant to Chapter 376c of the General Statutes of Connecticut; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On April 23, 1987, she was arrested in the State of Nevada for unlawful sale of a controlled substance, conspiracy to sell a controlled substance, and possession of a controlled substance. On March 3, 1988, she was convicted of unlawful sale of a controlled substance for which she was sentenced to three years incarceration, execution suspended, followed by a probation not to exceed three years. She was also ordered to participate in a counseling program as required by the Department of Parole and Probation.

2. On May 3, 1989, she was arrested in the State of Florida for unlawful sale of a controlled substance, possession of controlled substances, and sale of a controlled substance. On November 7, 1989, she was convicted of six felonies involving the possession of controlled

substances for which she was sentenced to two years incarceration, and ordered to participate in a drug treatment program.

3. On April 3, 1990, her probation in the State of Nevada was revoked due to her conduct referenced in paragraph 2 above.

4. The conduct described in paragraph 1 and 2 above constitutes grounds for denial of respondent's application for licensure pursuant to § 19a-14 of the Connecticut General Statutes.

NOW THEREFORE, pursuant to § 19a-14 of the Connecticut General Statutes, Donna Harvey-Porto hereby stipulates and agrees to the following:

1. That she waives the right to a hearing on the merits of this matter.

2. That she shall comply with all federal and state statutes and regulations applicable to her profession.

3. That upon satisfaction of the requirements for licensure as a radiographer as set forth in § 20-74bb of the Connecticut General Statutes, her license to practice as a radiographer will be issued and shall immediately be placed on probation for two (2) years, subject to the following terms and conditions:

A. Respondent shall be responsible for the provision of performance evaluations and written reports detailing any warnings or disciplinary actions taken by her employer against her, and detailing any incidents in which she is alleged to be involved regarding illegal conduct, negligent conduct or substance abuse, to the Department. Performance evaluations shall be submitted within one week of receipt by the respondent and reports shall be submitted by the Respondent on a quarterly basis. Performance evaluations and reports shall be sent to the Department at the address cited in paragraph 3G below. Performance evaluations and reports

shall be submitted to the Department, even if there were no warnings, disciplinary actions or incidents as previously described in a particular quarter.

B. Respondent shall submit to observed random urine screens for controlled substances, alcohol, and legend drugs, two times per month, at her expense, by a laboratory pre-approved by the Department. Urine screen reports shall be submitted by the laboratory performing the screen directly to the Department at the address in paragraph 3G below.

C. Respondent shall obtain an independent evaluation, at her expense, performed by a licensed psychologist (hereinafter "therapist") chosen by the Department, and shall follow the therapist's recommendations concerning whether or to what extent Narcotics Anonymous or Alcoholics Anonymous is necessary for the respondent's rehabilitation and maintenance. Results of the independent evaluation shall be sent directly to the Department and incorporated as part of this Consent Order. The respondent shall obtain said evaluation within 30 days of the date of this Consent Order.

D. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.

E. Respondent shall notify the Department of any change in her home or business address within (15) days of such change.

F. Quarterly reports required in paragraphs 3B are due on the tenth business day of January, April, July and October. Quarterly reports shall commence with the report due October 10, 1995.

G. All correspondence and reports shall be addressed to:

Bonnie Pinkerton, R.N.
Department of Public Health
150 Washington Street
Hartford, CT 06106

4. That any deviation from the terms of this Prelicensure Consent Order without prior written approval by the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the Department having the right to immediately deem respondent's radiographer license rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.

5. That legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department.

6. That this Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.

7. That respondent understands this Prelicensure Consent Order is a matter of public record.

8. That respondent understands this Prelicensure Consent Order may be considered as evidence of the above admitted conduct in any proceeding before the Department in which her compliance with § 20-74cc of the General Statutes of Connecticut, as amended, is at issue.


9. That this Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, the Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.

10. That respondent has had the opportunity to consult with an attorney prior to signing this document.

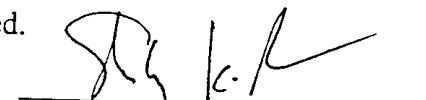
I, Donna Harvey-Porto, have read the above Prelicensure Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.


Donna Harvey-Porto

Subscribed and sworn to before me this 21st day of September, 1995.


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 26th day of September 1995, it is hereby ordered and accepted.


Stanley K. Peck, Director
Division of Medical
Quality Assurance